

TOWNSEND AND TOWNSEND AND CREW LLP  
 Theodore T. Herhold (State Bar No. 122895)  
 Andrew T. Oliver (State Bar No. 226098)  
 Eric M. Hutchins (State Bar No. 245462)  
 379 Lytton Avenue  
 Palo Alto, CA 94301  
 Telephone: (650) 326-2400  
 Facsimile: (650) 326-2422  
 Email: ttherhold@townsend.com  
 atoliver@townsend.com  
 emhutchins@townsend.com

Gary S. Morris (admitted *pro hac vice*)  
 1301 K Street, N.W.  
 Ninth Floor, East Tower  
 Washington, D.C. 20005  
 Telephone: (202) 481-9900  
 Facsimile: (202) 481-3972  
 Email: gsmorris@townsend.com

Attorneys for Defendant and Counterclaimant,  
 ADOBE SYSTEMS INCORPORATED

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

TEXTSCAPE LLC, a New Jersey  
 Corporation,

Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED, a  
 Delaware Corporation,

Defendant.

ADOBE SYSTEMS INCORPORATED, a  
 Delaware Corporation,

Counterclaimant,

v.

TEXTSCAPE LLC, a New Jersey  
 Corporation,

Counterdefendant.

Case No. CV 09-4550 BZ

**DECLARATION OF ROBERT WULFF  
 IN SUPPORT OF ADOBE'S MOTION  
 FOR SUMMARY JUDGMENT OF  
 INVALIDITY**

Date: June 2, 2010  
 Time: 10:00 a.m.

1 I, Robert Wulff, declare as follows:

2 1. I am currently employed by Adobe Systems Incorporated (“Adobe”). My current  
3 title is Senior VP of Technology. I make this declaration in support of Adobe’s motion for  
4 summary judgment of invalidity. I have personal knowledge of the facts set forth in this  
5 declaration and am competent to testify if called as a witness.

6 2. I have been employed by Adobe since December 1989. My involvement with the  
7 project known as “Carousel” that would later become known as the “Acrobat” product line began  
8 in August 1990. I managed a large portion of the team responsible for the Acrobat product line  
9 from 1991 until 2008.

### 10 History of the Acrobat Product Line

11 3. In August 1990, John Warnock, one of the co-founders of Adobe exposed me to the  
12 concept of what would come to be known as the portable document format or PDF and associated  
13 Acrobat software. Dr. Warnock’s idea was first known as the Camelot project and later as the  
14 Carousel project. A true and correct copy of “The Camelot Project” paper is attached hereto as  
15 **Exhibit 1**.

16 4. By no later than November 14, 1991, my co-employee Frank Boosman and I had  
17 drafted a “Carousel Specification” indicating that the Carousel software should include a display  
18 of legible text, a thumbnail/outline view with thumbnail and bookmark display capabilities, a  
19 toolbar and menu for selecting either thumbnail or bookmark display, a “page rectangle” on the  
20 thumbnails that could be dragged to scroll the document view, numbering of thumbnail pages, a  
21 “hand tool,” and many other features. A true and correct copy of the best existing copy of the  
22 November 14, 1991 Carousel Specification that I have been able to locate to-date is attached  
23 hereto as **Exhibit 2**. I have not yet located pages numbered 13 or 16.

24 5. On December 22, 1991, The New York Times published an article discussing the  
25 Carousel project. A true and correct copy of that article is attached hereto as **Exhibit 3**.

26 6. In March 1992, Fortune magazine published an article showing screenshots of  
27 Adobe’s Carousel software on several computers. A true and correct copy of that article is  
28 attached hereto as **Exhibit 4**.

1           7.       Dr. Warnock of Adobe authored an article that appeared in the June 1992 issue of  
2 Byte magazine. A true and correct copy of that article is attached hereto as **Exhibit 5**.

3           8.       In November 1992, Adobe demonstrated its Carousel software at the Fall 1992  
4 COMDEX convention in Las Vegas, NV. Adobe received two COMDEX awards for Carousel:  
5 “Best of Show” and “Most Significant Technology.”

6           9.       In November 1992, BusinessWeek magazine included an article showing a  
7 screenshot of Adobe’s Carousel software. A true and correct copy of that article is attached hereto  
8 as **Exhibit 6**.

9           10.      In November 1992, Adobe announced that the project and software formerly  
10 known as “Carousel” would be called “Acrobat.” By this time, the Acrobat software was in  
11 testing prior to release for commercial sale.

12           11.      In December 1992, Datamation magazine included an article showing a screenshot  
13 of Adobe’s Carousel software. A true and correct copy of that article is attached hereto as **Exhibit**  
14 **7**.

15           12.      Adobe’s 1992 Annual Report made note of the development of the Acrobat product  
16 family. A true and correct copy of the cover and pages 1-3, 28, and 29 of Adobe’s 1992 Annual  
17 Report is attached hereto as **Exhibit 8**.

18           13.      Adobe released its Acrobat family of products for public sale on June 15, 1993.  
19 These products included Acrobat Reader version 1.0, Acrobat Exchange version 1.0, and Acrobat  
20 Distiller version 1.0 and associated documentation. A true and correct copy of a June 15, 1993  
21 press release regarding the product launch and product pricing offer is attached hereto as **Exhibit**  
22 **9**.

23           14.      On June 15, 1993, Adobe issued press releases announcing Acrobat-related  
24 collaborations with companies including AlphaGraphics, Inc., Business Link, Dataware  
25 Technologies, Elixir Technologies, Knight-Ridder/PressLink, Kodak, Lotus Corporation, Multex  
26 Systems, R.R. Donnelley & Sons, Tech Data Corporation, and Ventura Software. A true and  
27 correct copy of these press releases is attached hereto as **Exhibit 10**.

28           15.      On June 30, 1993, Adobe ran an eight page advertising section in The Wall Street

Journal, titled “The Axe Falls on the Cost of Information.” This advertising section introduced a special offer for sales of Acrobat. A true and correct copy of the front page of that issue of The Wall Street Journal and the advertising section are attached hereto as **Exhibit 11**.

16. In Adobe’s Form 10-Q for the quarter ending August 27, 1993, Adobe informed the Securities and Exchange Commission that “The Company shipped several new products during the quarter including . . . the Adobe<sup>TM</sup> Acrobat<sup>TM</sup> software product family . . .” A true and correct copy of the cover page and pages 10 – 11 of this Form 10-Q is attached hereto as **Exhibit 12**.

17. Adobe received several awards for its Acrobat products in 1993, including the Byte Magazine “Award of Excellence” in 1993, the PC Magazine “Technical Excellence Award” in 1993, the Popular Science Magazine “The Best of What’s New” award in November 1993.

18. The Acrobat Reader version 1.0 software that was released in June 1993 included a file named HELPREAD.PDF. A true and correct copy of excerpts from that file is attached hereto as **Exhibit 13**.

19. The Acrobat Reader version 1.0 software that was released in June 1993 included a file named TOURREAD.PDF. A true and correct copy of excerpts from that file is attached hereto as **Exhibit 14**.

20. On December 23, 1993, Adobe announced the availability for sale of Acrobat Reader version 1.0 software that could be used with computers operating under MS-DOS. A true and correct copy of the Adobe press release making that announcement is attached hereto as **Exhibit 15**.

### **Acrobat Reader version 1.0 Functionality**

21. Attached hereto as **Exhibit 16** is a screenshot showing an image displayed by the Acrobat Reader version 1.0 software. In particular, this image shows a large part of the display displaying part of a document containing legible text. This image reflects use of the “Page Only” view that the software provides.

22. Attached hereto as **Exhibit 17** is a screenshot showing an image displayed by the Acrobat Reader version 1.0 software. In particular, this image shows a large part of the right side of the display (called the “document window”) displaying part of a document containing legible

1 text while a box on the left part of the display (called the “overview area”) displays bookmarks  
2 relating to items of interest in or sections of the document. This image reflects use of the  
3 “Bookmarks and Page” view that the software provides.

4 23. Attached hereto as **Exhibit 18** is a screenshot showing an image displayed by the  
5 Acrobat Reader version 1.0 software. In particular, this image shows a large part of the right side  
6 of the display (called the “document window”) displaying part of a document containing legible  
7 text while a box on the left part of the display (called the “overview area”) displays thumbnail  
8 images of each page in the document. Beneath each thumbnail image is a page number indicating  
9 the page in the document that the thumbnail represents. This image reflects use of the  
10 “Thumbnails and Page” view that the software provides.

11 24. Attached hereto as **Exhibit 19** is a screenshot showing an image displayed by the  
12 Acrobat Reader version 1.0 software. In particular, this image shows the View menu provided to  
13 users of the software. The commands available to a user in the View menu include “Page Only,”  
14 “Bookmarks and Page,” and “Thumbnails and Page.” When a user selects one of these  
15 commands, the software changes the display to correspond to the views shown in Exhibits 16, 17,  
16 and 18, respectively.

17 25. Attached hereto as **Exhibit 20** is a screenshot showing an image displayed by the  
18 Acrobat Reader version 1.0 software. This image has been enhanced to highlight the tool bar  
19 commands available to a user in the software. In particular, the “Page Only button,” “Bookmarks  
20 and Page button,” and “Thumbnails and Page button” are highlighted. When a user selects one of  
21 these commands, the software changes the display to correspond to the views shown in Exhibits  
22 16, 17, and 18, respectively.

23 26. Exhibit 18 also shows a light gray box on one of the thumbnails (called the “page-  
24 view box”). The page-view box indicates the part of the page that is visible in the document  
25 window. The page view box can be used to scroll around a page and to change the magnification  
26 of the page.

27 27. Though action is not visible in the static image of Exhibit 18, the software provides  
28 a “hand tool” that can be used to move a document page in the document window. The user may

1 position the hand tool over the document window, hold down the mouse button, and move the  
 2 mouse to drag the hand tool in the direction that the user wishes to move the page. When the page  
 3 is moved in this manner, the page-view box on the thumbnail moves to correspond to the change  
 4 in the part of the page that is displayed.

5 28. Likewise, though action is not visible in the static image of Exhibit 18, the hand  
 6 tool can be used to move the page-view box on the thumbnail. The user may position the hand  
 7 tool over the edge of the page-view box, hold down the mouse button, and move the mouse to  
 8 drag the hand tool in the direction that the user wishes to move the page-view box. When the  
 9 page-view box is moved in this manner, the part of the page displayed in the document window  
 10 changes to correspond to the changed position of the page-view box on the thumbnail. The user  
 11 may also use the mouse click on virtually any location on the thumbnails (limited by the screen  
 12 resolution). This results in the page-view box jumping to the clicked-on location on the thumbnail  
 13 and the corresponding part of the document being displayed in the document window.

### 14 **Acrobat Reader version 1.0 for MS-DOS Functionality**

15 29. Attached hereto as **Exhibit 21** is a screenshot showing an image displayed by the  
 16 Acrobat Reader version 1.0 for MS-DOS software. In particular, this image shows a large part of  
 17 the right side of the display (called the “document window”) displaying part of a document  
 18 containing legible text while a box on the left part of the display (called the “overview area”)   
 19 displays bookmarks relating to items of interest in or sections of the document. This image  
 20 reflects use of the “Bookmarks and Page” view that the software provides.

21 30. Attached hereto as **Exhibit 22** is a screenshot showing an image displayed by the  
 22 Acrobat Reader version 1.0 for MS-DOS software. In particular, this image shows a large part of  
 23 the right side of the display (called the “document window”) displaying part of a document  
 24 containing legible text while a box on the left part of the display (called the “overview area”)   
 25 displays thumbnail images of each page in the document. Beneath each thumbnail image is a page  
 26 number indicating the page in the document that the thumbnail represents. This image reflects use  
 27 of the “Thumbnails and Page” view that the software provides.

28 31. Attached hereto as **Exhibit 23** is a screenshot showing an image displayed by the

1 Acrobat Reader version 1.0 for MS-DOS software. In particular, this image shows the "Edit"  
2 menu that includes a "Preferences . . ." command.

3 32. Attached hereto as Exhibit 24 is a screenshot showing an image displayed by the  
4 Acrobat Reader version 1.0 for MS-DOS software. In particular, this image shows the menu that  
5 pops up on the screen when a user selects the "Preferences . . ." command in the "Edit" menu.  
6 This image shows four options under the heading "Video Resolution," titled "640x480, 16 colors,"  
7 "640x480, 256 colors," "800x600, 256 colors," and "1024x768, 256 colors." A user of the  
8 software may select any of these Video Resolution options. After changing the Video Resolution  
9 option, the user must exit and restart the software before the selected option will take effect.

10 33. The image in Exhibit 22 was generated while the "800x600, 256 colors" Video  
11 Resolution options was selected.

12 34. Attached hereto as Exhibit 25 is a screenshot showing an image displayed by the  
13 Acrobat Reader version 1.0 for MS-DOS software. This image was generated after selecting the  
14 "640x480, 256 colors" Video Resolution option in the menu of Exhibit 24, exiting the software,  
15 and restarting the software. When running Acrobat Reader version 1.0 for MS-DOS on a CRT  
16 display, the thumbnails in Exhibit 25 are larger than those in Exhibit 22.

17 35. Attached hereto as Exhibit 26 is a screenshot showing an image displayed by the  
18 Acrobat Reader version 1.0 for MS-DOS software. This image was generated after selecting the  
19 "1024x768, 256 colors" Video Resolution option in the menu of Exhibit 24, exiting the software,  
20 and restarting the software. When running Acrobat Reader version 1.0 for MS-DOS on a CRT  
21 display, the thumbnails in Exhibit 26 are smaller than those in Exhibit 22.

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct.

24 Executed April 16, 2010, in San Jose, California.

25 By:   
26 \_\_\_\_\_

27 Robert Wulff  
28